

Tuesday, April 08, 2014

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold and Chairperson Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON BRUCE S. GIBSON.

CONSENT AGENDA – REVIEW & APPROVAL

1-9 & 11. This is the time sent for consideration of the Consent Agenda:

Chairperson Gibson: opens the floor to public comment. Further, Item 10 is pulled from the Consent Agenda for separate action.

The action taken for Consent Agenda Items 1 through 9 and 11 on the following vote is indicated for each item.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request to approve the County’s Calendar Year (CY) 2014/Federal Fiscal Year (FFY) 2015 Federal Legislative Agenda and Work Plan. All Districts.

The Board approves as recommended by the County Administrative Officer.

2. 30-day update on current drought conditions and related management actions for Board’s review of the continuing need for proclamation of local emergency pursuant to Government Code section 8630. All Districts.

Mr. Eric Greening: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Agricultural Commissioner Items:

3. Request to reappoint Charles Pritchard to the Agricultural Liaison Advisory Board as the Upper Salinas Las Tablas Resource Conservation District Representative, due to term ending January 1, 2014. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Assessor Items:

4. Request to amend the Fixed Asset List for Fund Center 109 - Assessor to include two Virtual Desktop Infrastructure servers at a cost of \$35,200. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

5. Request to appoint Amanda King to the Commission on the Status of Women. District 3.

This item was amended to correct the recommendation to state that Amanda is filling the vacancy left by Jane T. Potter. The Board approves as recommended by the County Administrative Officer and as amended by this Board.

6. Submittal of Supervisors Expense report on meetings attended pursuant to Government Code section 53232.3 (d). Districts 1, 2 & 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

7. Submittal of resolution approving the updated Conflict of Interest codes for Coast Unified School District and San Luis Obispo County Pension Trust and the new Conflict of Interest code for Oversight Board to the Designated Local Authority and Successor Agency of the Former Pismo Beach Redevelopment Agency. All Districts.

The Board approves as recommended by the County Administrative Officer. Resolution No. 2014-83, adopted.

Consent Agenda - Probation:

8. Submittal of a resolution amending the Position Allocation List for Fund Center 139 - Probation to add a Limited Term 1.00 FTE Deputy Probation Officer position funded by the County Office of Education for two years to work in a new program to bring additional services to families with students enrolled in Court and Community Schools as well as students in district schools county-wide. All Districts.

The Board approves as recommended by the County Administrative Officer. Resolution No. 2014-84, adopted.

9. Request to authorize a budget adjustment in the amount of \$171,764 from the 2011 Public Safety Realignment Implementation Fund to Fund Center 139 - Probation, to purchase mobile data computers and amend the Fixed Asset List. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

11. Request to approve amendments to the bylaws of the Homeless Services Oversight Council (HSOC) to add oversight of the Homeless Management Information System (HMIS) and Continuum of Care Policies and Procedures as duties of the HSOC. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda Public Works - Board Sitting as Flood Control District:

10. Request to appoint 19 members and 19 alternate members to the Paso Robles Groundwater Basin Advisory Committee. All Districts.

Ms. Courtney Howard – Public Works: amends the staff report by adding the City of Paso Robles' resolution designating representatives to the Paso Robles Groundwater Basin Advisory Group.

Mr. Ted Gilbert, Ms. Cindy Steinbeck, Mr. Mike Brown – COLAB, Mr. Greg Grewal, and Mr. Eric Greening: speak.

Supervisor Arnold: questions the noticing of the vacancies; addresses her concerns with the membership of the Board; presents a new membership recommendation and other documents.

A motion by Supervisor Debbie Arnold to approve staff recommendation with the amended membership list dies for lack of a second. Clarifies she is only proposing to change the At-Large Members and Alternates.

Board members: discuss both staff and Supervisor Arnold’s recommended membership lists and other alternatives to the membership.

A motion by Supervisor Debbie Arnold, seconded by Supervisor Frank Mecham, to add 3 positions that would be appointed by the Supervisors of the District occurs.

Supervisor Ray: outlines her reasons for not supporting the motion.

The motion maker amends the motion to add two Rural Residential Representatives, one by each Supervisor of the Districts within the Groundwater Basin, with the second concurring. Matter is further discussed and the motion maker further amends the motion to include a District 1 and District 5 regular and alternate member to the Rural Residential Representative, with the second concurring.

The Board amends the membership of the Paso Robles Groundwater Basin Advisory Committee by adding a District 1 and District 5 regular and alternate member to the Rural Residential Representative category.

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Presentations:

- 12.** Submittal of a resolution proclaiming April 7-14, 2014 as "National Public Health Week" in San Luis Obispo County. All Districts.

RESOLUTION NO. 2014-85, resolution of the Board of Supervisors proclaiming April 7-14, 2014 as National Public Health Week in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

- 13.** Submittal of a resolution proclaiming April 2014 "Sexual Assault Awareness Month" and April 26, 2014 "Walk a Mile in Her Shoes Day." All Districts.

RESOLUTION NO. 2014-86, resolution proclaiming April 2014 as “Sexual Assault Awareness Month” and April 26, 2014 as “Walk a Mile in Her Shoes Day” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

14. Submittal of a resolution proclaiming the month of April 2014 as "San Luis Obispo County Crime Victims' Rights Month." All Districts.

RESOLUTION NO. 2014-87, resolution proclaiming the Month of April 2014 as “San Luis Obispo County Crime Victims’ Rights Month”, adopted.

Motion by: Frank R. Mecham
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Public Comment Period:

15. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Chairperson Gibson: opens the floor to public comment.

Mr. Eric Greening: comments on the continuance of the Planning Commission’s Phillips 66 hearing.

Mr. Ben DiFatta and Mr. Richard Margetson: discusses District 2 candidate’s forum.

Ms. Linde Owen (photos): addresses her concerns with the Los Osos Wastewater Project.

Ms. Cynthia Steinbeck (Powerpoint): presents and discusses the powerpoint presentation by Jason Gianquinto to the Paso Robles Groundwater Management Blue Ribbon Committee regarding groundwater storage projects. **No action taken.**

Board Business:

16. Study Session #1 for the San Luis Obispo County Renewable Energy Streamlining Program that would allow the County and renewable energy developers to make decisions about the feasibility of new projects in a streamlined and cost efficient fashion. All Districts.

Chairperson Gibson: opens the floor to public comment.

Mr. Eric Greening & Mr. Mike Brown – COLAB: speak.

Chairperson Gibson: directs staff to develop standards that put renewable energy projects consistent with the County’s Strategic Growth Principals including the ability to streamline the appropriate projects; a proper decommissioning plan that includes financial guarantees to take down projects if technology or market changes occur and receives report.

Closed Session Items:

17. The Board announces they will be going to Closed Session regarding:
- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:
Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Steinbeck, et al. v. County of San Luis Obispo, et al.; 2. Paso Robles Water Integrity Network v. County of San Luis Obispo, et al.; 3. North County Watch v. County of San Luis Obispo (SMR Subd., CV 098031).

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 4. SLOCEA-Trades and Crafts; 5. DCCA; 6. SLOGAU.

Chairperson Gibson: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

18. Submittal of a resolution authorizing: 1) the surplus and sale of County-owned real property at 790 Cornwall Street in Cambria by public auction; and 2) a budget adjustment to increase the Library's Facilities Planning Reserve, Fund 1205000000, by the amount of the net proceeds of sale. District 2.

Ms. Linda Van Fleet – Real Property Manager: states no bids were received; presents photographs of the subject property; and a revised resolution for Board consideration which sets a new hearing and public auction to July 8th 2014.

Chairperson Gibson: opens the floor to public comment without response.

RESOLUTION NO. 2014-88, First Amended Resolution of Intention to Surplus and Sell County-owned real property in the unincorporated area of Cambria, adopted.

Motion by: Caren Ray
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

19. Hearing to consider an appeal by MWF Properties LLC and McDonald’s USA LLC of the Planning Commission’s approval of: 1) a request for a Minor Use Permit to allow a change of use from an office (former Bank of America) to a restaurant, at 1076 Los Osos Valley Road, in the community of Los Osos, and 2) adoption of the Mitigated Negative Declaration prepared for this project pursuant to the California Environmental Quality Act. District 2.

Mr. Marshall Ochylski – representing MWF Properties and Ms. Carol Florence and Mr. Paul Penzy, representing McDonald’s USA LLC: outline their reasons for appeal.

Chairperson Gibson: opens the floor to public comment.

Mr. Gary Freiberg, Mr. Tom Cantwell, Mr. Tom Cash, Ms. Carol Baker, Mr. George Taylor, Ms. Beverly DeMitt-Moylan, Ms. Carol Chubb, Ms. Susan Fortman, Mr. Neil Wamplek, Ms. Suzanne Smith, Ms. Shirley Dunn, Mr. Jesus SantaMaria, Mr. Don Bearden, Mr. Tom Nishikawa, Mr. Kizen Sugano, Reverend Caroline Hall – People of Faith for Justice, Ms. Gretchen Clark, Mr. Craig Hill, Mr. Bill Moylan, Ms. Lee Andrea Caulfield, Mr. Lou Tornatzky (statement), Ms.Sybil Jacobs, Ms. Vicki Milledge – Los Osos Community Advisory Council representative, Ms. Martha Goldin, Ms. Leslie Sands, Mr. Al Barrow, Mr. Richard Margetson, Mr. Patrick McGibney, Ms. Alyx Gille, Ms. Vita Miller, Dr. C. Hite (Video), Mr. Bob Bedard, Ms. Emily Ewer– Oasis Associates (petition), Mr. Keith Handley, Mr. Steve Rodarte - Morro Bay McDonald employee, Ms. Marie Smith, Mr. John Zweemer, Mr. Steven Senet (Site Photos): speak.

Motion by Supervisor Adam Hill, seconded by Supervisor Debbie Arnold, and unanimously carried, to continue the meeting past 5 p.m..

Mr. Tim Rochte, Ms. Sabrina Bender, Ms. Madeline Palaszewski (photos & petition), Ms. Marcia Page, Mr. Larry Bender (handout), Mr. Alan Fraser (photos); Ms. Alice Welchert, Ms. Michelle Avant, Ms. Susan Hightower, and Ms. Julie Tacker: speak.

Mr. Ochylski, Ms. Carol Florence and Mr. Penzy: make their closing comments.

Chairperson Bruce Gibson: outlines his reasons he will not support approving this project with a drive-through.

A motion by Chairperson Bruce Gibson to deny the appeal and uphold the Planning Commission decision with an amendment to the Findings by increasing the water offset from 698 to 900, dies for lack of a second.

A motion by Supervisor Debbie Arnold, to uphold the appeal, approve the Applicant's drive-through and signage specifications as presented today and direct staff to modify the resolution, findings and conditions to reflect said action, with no modification to the water offset of 1.6 to 1, is discussed.

Board members: discuss water offset.

Supervisor Caren Ray: seconds the motion on the floor.

Chairperson Bruce Gibson: outlines his reasons for not supporting the motion; suggests the Findings include "verifiable results" regarding water offset; addresses his concern regarding compatibility of the building's façade with the character of the area.

Steve McMasters – Planning: presents the modifications to the Resolution, Findings and Conditions based upon the motion on the floor.

Board members: further discuss the water offset.

Supervisor Caren Ray: withdraws her second.

Supervisor Frank Mecham: seconds the motion on the floor.

The Board upholds the appeal; amends the resolution as follows: the beginning of the title of the resolution is replaced with, "RESOLUTION UPHOLDING THE APPEAL..."; Page 2, Second paragraph, "denied" is replaced with "upheld", after the word affirmed "in part and reversed in part" is added; Item 4., "denied" is replaced with "upheld", after the word affirmed "in part and reversed in part" is added; the Findings – Exhibit A, is amended as follows: Section D., the second sentence shall read: "This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns, and any safety concerns regarding 24-hour traffic, noise, or operations have been eliminated by limiting hours of operation." and the third sentence is deleted; Section E, is replaced with: "The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because, as conditioned, the project is similar to, and will not conflict with, the surrounding lands and uses and because the proposed project will use an existing building and drive-through."; Section F is replaced with: "The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Los Osos Valley Road, an arterial road constructed to a level able to handle any additional traffic associated with the project."; Exhibit B – Conditions of Approval are amended as follows: Condition 1c, is replaced with "modifications to the existing drive-through"; Condition 2., shall read: "At the time of application for construction permits plans submitted shall show all development consistent with the approved site plan (including parking, signage and lighting plans submitted April 8, 2014), floor plan, architectural elevations and landscape plan."; Condition 7, the last sentence is deleted. Further, RESOLUTION NO. 2014-89, Resolution affirming the decision of the Planning Commission and conditionally approving the application of MWF Properties and McDonald's USA, LLC for Minor Use Permit/Coastal Development Permit DRC2012-00099, adopted.

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)		x		
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, April 08, 2014, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Catrina M. Christensen, Deputy Clerk-Recorder

DATED: April 25, 2014